

REMARKS

Claims 1-16 are pending and are rejected. Claims 2-6, 8-14 and 16 would be allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph and to include all of the limitations of the base and any intervening claims. The proposed drawing correction filed on July 27, 2002 is approved.

Corrected drawings for FIGs. 3 and 7 are attached for the Examiner's review and approval. Claims 1, 15, and 16 are amended.

Claim Objection

The Office Action objects to claim 16 under 37 CFR 1.75(c) because claim 16 erroneously depends from claim 9. Applicants have amended claim 16 to directly depend from claim 15. Applicants believe that the amendment overcomes the objection.

Claim Rejection under 35 U.S.C. §112

The Office Action rejects claims 1-16 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have amended independent claims 1 and 15 to more particularly point out the invention and believe that all claims are definite.

With respect to both claims 1 and 15, the Office Action states that the term "an intermediate track detector" is unclear because it can be a land, a groove, or a central part of the land/grove. An intermediate track is arranged between two adjacent tracks. Thus, a land is a track and a groove is an intermediate track. The specification defines

these terms, for example, on page 1, lines 22-25: "This apparatus is suitable for the use of optical recording media having data markings both in *the track and in the intermediate track, so-called land and groove* recording media." (Emphasis added.) Also, in describing FIG. 6 on page 18, lines 36-38, the specification states that grooves 22 lie between lands 23. Thus, the meaning of an intermediate track is clearly defined in the specification. However, in the interest of advancing the application, applicants have amended claims 1 and 15 to recite that the "intermediate track is arranged between two adjacent tracks." Applicants believe that claims 1 and 15 are definite. Similarly, claims 2-14 and 16 are definite for their dependence from claims 1 and 15, respectively.

Claim Rejection under 35 U.S.C. §102(e)

(a) Claims 1 and 7

The Office Action rejects claims 1 and 7 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,377,522 issued April 23, 2002 to Toda (hereinafter "Toda"). The header sequence is the succession of different headers within a single header area. See applicants' specification, page 7, lines 30-32. Applicants believe that Toda does not anticipate claim 1 because Toda does not disclose a header sequence detector. Similarly, Toda does not anticipate claim 7 at least for its dependence from claim 1.

The Office Action states that element 402 in FIG. 5 of Toda is a header sequence detector. Element 402 actually is a pull-in enabling signal detecting circuit, not a header sequence detector. As shown in FIG. 5, element 402 includes the defined level comparator 411, the logic unit 412, and the header component removal arithmetic

unit 413. Element 402 receives the track error signal 111. The defined level comparator 411 carries out a comparison between the track error signal 111 and a predetermined upper limit level 601 and a comparison between the track error signal 111 and a predetermined lower limit level 602 to generate a track pull-in enabling signal 605. See col. 17, lines 41-48. The header component removal arithmetic unit 413 removes the header component from the track pull-in enabling signal 605 by use of header area signal 405 sent from the header area detecting circuit 401. See col. 17, lines 56-60. Nowhere in Toda does it disclose a header sequence or a header sequence detector. See col. 17, lines 25-67. As such, applicants believe that Toda does not anticipate claim 1. Similarly, Toda does not anticipate claim 7 at least for its dependence from claim 1.

(b) Claim 15

The Office Action also rejects claim 15 under 35 U.S.C. §102(e) as being anticipated by Toda. As discussed above with respect to claim 1, Toda does not disclose or suggest a header sequence or a header sequence detector; thus, Toda does not disclose or suggest the step of "if the typical signal components are present, determining the order of signal components originating from differently arranged header markings," as recited in claim 15, lines 8-9. As such, Toda does not anticipate claim 15.

Fee

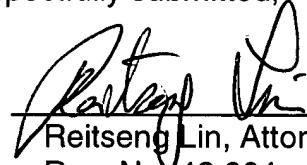
No additional fee is believed due in regard to this amendment. However, if an additional fee is due, please charge any such fee to Deposit Account No. 07/0832.

Conclusion

In view of all of the foregoing, it is respectfully submitted that the present application is in condition for allowance and such action is respectfully requested. If, however, the Examiner is of the opinion that such action cannot be taken, please contact the Applicants' attorney at the number and address below in order that any outstanding issues may be resolved without the necessity of issuing a further Action. An early and favorable response is earnestly solicited.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in a postage paid envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date indicated below.

Date: 1-27-03

By: Karen Schlauch

"Version with Markings to Show Changes Made"

THE CLAIMS

Please amend the following claims.

- 1 1. (Twice Amended) Apparatus for reading or writing data markings of an optical recording medium having data markings arranged along a track and header markings arranged laterally offset with respect to the centre of the track, and an intermediate track being arranged between two adjacent tracks, the apparatus comprising:
 - 5 a header identification unit;
 - 6 a header sequence detector;
 - 7 a track crossing detector; and
 - 8 an intermediate track detector for generating an intermediate track signal, wherein the intermediate track detector is connected to outputs of the header identification unit, of the track crossing detector and of the header sequence detector.
- 1 15. (Twice Amended) Method for generating an intermediate track signal in an apparatus for writing data markings of an optical recording medium having data markings arranged along a track and header markings arranged laterally offset with respect to the centre of the track, and an intermediate track being arranged between two adjacent tracks, comprising the steps of
 - 6 - checking a signal derived from detector elements of the apparatus for the presence of signal components which are typical of header areas,
 - 8 - if the typical signal components are present, determining the order of signal components originating from differently arranged header markings,
 - 10 - generating a signal corresponding to a track crossing frequency,

11 generating the intermediate track signal from the order information
12 and the signal corresponding to the track crossing frequency.

1 16. (Twice Amended) Method according to Claim 15 [9], further comprising the step of
2 detecting the track crossing frequency, and, if a limit value is undershot, generating an
3 invalidity signal, which is cancelled only when signal components which are typical of
4 header areas are present once again.